

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JASON N. CADWELL and HARALD B.  
FINDLAY, in their capacities as Co-Trustees of  
the Edward A. Deeds Revocable Trust dated  
December 23, 1999, as amended,

*Plaintiffs,*

-VS-

CITIBANK, N.A., as Trustee of the Edward A.  
Deeds Trust under that certain Trust Agreement  
dated March 1, 1945, and as Trustee of the  
Edith W. Deeds Trust under that certain Trust  
Agreement dated March 1, 1945,

*Defendant.*

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**NOTICE OF MOTION TO  
DISMISS PURSUANT TO FED.  
R. CIV. P. 12(B)(1) AND  
12(B)(7)**

Civil Action No.  
1:23-cv-1315-GHW

**PLEASE TAKE NOTICE** that upon the Memorandum of Law in Support of its Motion to Dismiss the Complaint, dated March 13, 2023, the Declaration of Jennifer G. Flannery, Esq., and all exhibits thereto, and upon all the papers and proceedings heretofore, Defendant Citibank, N.A. will move this Court, before the Honorable Gregory H. Woods, U.S.D.J., at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, Room 2260, New York, New York 10007 on a date and time to be designated by the Court, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(7) dismissing the Complaint on grounds including that (1) this Court lacks subject matter jurisdiction over these proceedings and (2) Plaintiffs have failed to join necessary parties pursuant to Federal Rule of Civil Procedure 19.

**DATED:** March 13, 2023

**BARCLAY DAMON, LLP**

By: 

Benjamin R. Zakarin  
Bar Roll No. 5344478

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